

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
 WASHINGTON, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),
 Table of Allotments
 FM Broadcast Stations
 (Sault Ste Marie, Michigan)

To: Chief, Allocations Branch
 Policy and Rules Division
 Mass Media Bureau

)
)
) MM Docket No. 97-222
) RM-9180
) -9214
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FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

COMMENTS OF NORTHERN CHRISTIAN RADIO, INC.
IN RESPONSE TO COUNTERPROPOSAL

Northern Christian Radio, Inc. (hereafter "NCR"), by its undersigned counsel, hereby respectfully submits these Comments in response to the Commission's Public Notice, Report No. 2248, released January 14, 1998, soliciting comments on the counterproposal filed with the Commission in connection with this proceeding. The counterproponent is Ms. Linda K. Graver, identified as the President of Black Bear Broadcasting Company of Bay City, Michigan (hereafter "Black Bear"). Black Bear proposes to assign FM channel 272C3 to "McMillan, Michigan" and to substitute the allotment of FM Channel

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***230C3 to Sault Ste Marie, Michigan in lieu of the FM Channel *272C3 allotment proposed by NCR in initiating this proceeding.¹**

1. Black Bear alleges that FM Channel *230C3 is now available for use at Sault Ste Marie, Michigan due to "the deletion of this channel on Manitoulin Island" by the Canadian government in connection with certain changes in the "Canadian Table of Allocations." However, the Commission's records indicate that FM channel 230C remains allocated to Manitouli², Ontario, Canada. While there is a proposal pending to reallocate this channel to Little Current, Ontario, Canada, and to downgrade the assignment to FM Channel 231C1, that reallocation has not been effectuated.

2. Moreover, as NCR pointed out in its Comments filed in connection with this proceeding, even assuming *arguendo* that this modification in the Table of Allotments is adopted by Canada, the use of FM Channel *230C3 at Sault Ste Marie, Michigan is not an equivalent allotment to the FM Channel *272C3 proposal by NCR. As the ENGINEERING DECLARATION of Peter W. Lechman that is appended to NCR's Comments demonstrates, the use of FM Channel *230C3 at Sault Ste Marie, Michigan would be subject to the reception

¹ The Comments of NCR filed in this proceeding are incorporated herein by reference.

of certain interference from the proposed first adjacent, FM Channel 231C1 allotment to Little Current, Ontario, Canada, when the technical standards outlined in the Canadian Working Agreement³ are taken into consideration. Therefore, the proposed allocation of FM Channel *230C3 to Sault Ste Marie, Michigan is not equivalent to the proposed FM Channel *272C3 allocation sought by NCR herein.

3. Moreover, as NCR has previously demonstrated, the proposed counterproposal is entirely unnecessary in order to allocate a new, commercial Class C3 FM channel to McMillan, Michigan. The ENGINEERING DECLARATION appended to its Comments demonstrates, there are fully fourteen (14) FM channels that can be allocated in and around the geographic coordinates of McMillan, Michigan, of which eleven (11) can be allocated on the basis of a Class C3 allotment. Of these possible Class C3 allotments, Channel 244C3 and Channel 269C3 may be allocated at the exact geographic coordinates designated by Black Bear in its Counterproposal for McMillan.⁴ Neither of these FM Class C3 allotments will be the subject

² The Commission's database indicates this name. However, Black Bear refers to the allotment as Manitoulin Island.

³ See, *New FM Working Arrangement With Canada Goes Into Effect*, FCC Mimeo 908, released November 19, 1984.

⁴ NCR assumed that Black Bear was also capable of determining the availability of these alternative Class C3 FM channels that would not interfere with the proposed FM Channel 272C3 allotment at Sault Ste Marie. NCR submit that serious questions exist whether the Black Bear counterproposal

of predicted interference from a Canadian FM allotment, unlike the Channel 230C3 proposal to Sault Ste Marie by Black Bear. Moreover, it is clear from Commission precedent that FM channels of the same class are presumed to be equivalent for allotment purposes. *See, FM Channel Assignments* (1990).⁵ Either of these Class C3 FM channels is the equivalent of the Channel 272C3 counterproposal for McMillan by Black Bear. Thus, NCR proposes that the Commission allocate either FM Channel 244C3 or 269C3 to McMillan, and adopt the interference-free FM Channel *272C3 allocation to Sault Ste Marie, Michigan, proposed in its Petition.

Respectfully submitted,

Northern Christian Radio, Inc.

By: 

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Its Attorney

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was filed in good faith, or merely to delay the implementation of the FM allotment at Sault Ste Marie, Michigan requested by NCR.

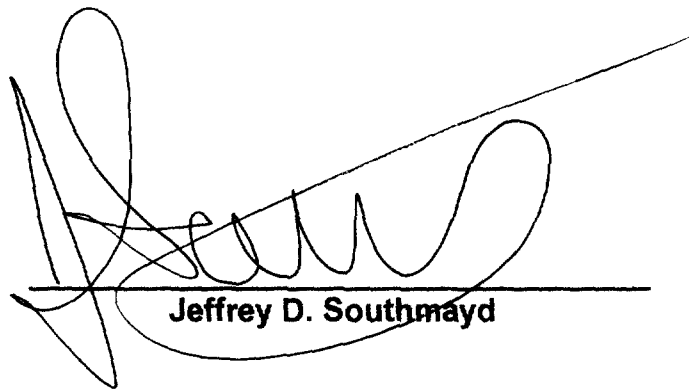
⁵ 67 RR 2d 606.

CERTIFICATE OF SERVICE

I, Jeffrey D. Southmayd, do hereby certify that the foregoing ***COMMENTS OF NORTHERN CHRISTIAN RADIO, INC.*** were served by first class United States mail, postage pre-paid, on this 29th day of January, 1998 on the following:

**Mr. John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W.
Room 554
Washington, D.C. 20554***

**Ms. Linda K. Graver
President
Black Bear Broadcasting Company
2921 Ohio Road
Bay City, Michigan 48706**



Jeffrey D. Southmayd

*** By Hand Delivery**